

SENATE JOINT RESOLUTION NO. 18

INTRODUCED BY HARRINGTON, NEWMAN, COONEY, CYR, ELLINGSON, MCCARTHY, NELSON,
SCHMIDT, SHEA, TESTER, WEISS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROVIDING THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHOULD APPLY FOR A MEDICAID WAIVER FOR MORE FLEXIBILITY THAN THAT ALLOWED BY MEDICAID RULES FOR A PROGRAM UNDER WHICH FAMILY MEMBERS WOULD PROVIDE ASSISTANCE TO A MEMBER OF THE FAMILY WHO IS ELDERLY OR DISABLED, OR BOTH.

WHEREAS, the number of elderly and disabled persons in Montana continues to grow; and

WHEREAS, Montana ranks third among the states in the percentage of elderly persons in its population;

and

WHEREAS, there is increased pressure for families to provide care for elderly and disabled relatives;

and

WHEREAS, resources for the support of elderly and disabled persons and for family care for elderly and disabled persons are shrinking; and

WHEREAS, Medicaid provides assistance for family care for about 3,000 elderly and disabled Montanans each year, Medicaid regulations on the subject are not flexible enough for some situations, and the program needs to be broadened by providing more flexibility; and

WHEREAS, the federal government recognizes the need for more flexibility in the program for family care of elderly and disabled persons; AND

WHEREAS, TRIBAL GOVERNMENTS ARE INTERESTED IN SEEKING SIMILAR WAIVERS FOR FAMILY CARE, FEDERAL REGULATIONS AND THE CENTERS FOR MEDICARE AND MEDICAID SERVICES REQUIRE THREE FORMAL CONSULTATIONS WITH TRIBAL GOVERNMENTS REGARDING ANY MAJOR CHANGES WITHIN THE EXISTING MEDICAID PROGRAM AND RELATED PROGRAMS, AND A TRIBAL GOVERNMENT PRESENTS A POSSIBILITY AS A PARTNER IN A PILOT PROGRAM.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) that the Department of Public Health and Human Services apply for a Medicaid waiver that would



1 provide for more flexibility than that allowed by Medicaid rules for a program under which family members would
2 provide assistance to a member of the family who is elderly or disabled, or both;

3 (2) that the Department apply for available grant funds for developing and administering the program;

4 (3) that the program begin as a pilot program WITH A TRIBAL GOVERNMENT AND A SECOND PILOT PROGRAM
5 in a portion of the state and that Silver Bow County be included in that portion of the state;

6 (4) that elderly persons, disabled persons, and their caregivers be involved in the development of the
7 program;

8 (5) that the program ensure the provision of appropriate quality care for elderly and disabled persons
9 by family members AND OTHERS;

10 (6) that the program allow parents to care for a disabled minor child and a spouse to care for an elderly
11 or disabled spouse;

12 (7) that the program provide for payment of money to elderly and disabled persons, who would then use
13 the money to pay for their care by one or more family members; and

14 (8) that if a Medicaid waiver is granted for the program and the program is developed, the Department,
15 in January of 2005, report to the 59th Legislature on the nature, progress, and cost of and funding for the
16 program.

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